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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,227	06/30/2000	Charles C. Freeny JR.	2551.042	8549

30589 7590 09/13/2004

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PO BOX 16370
OKLAHOMA CITY, OK 73113

EXAMINER

NGUYEN, THANH T

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 09/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/607,227

Applicant(s)

FREENY, CHARLES C.

Examiner

Tammy T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 08 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-230 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-230 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2000 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:



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Detailed Office Action

1. This action is in response to the amendment filed. **June 8, 2004.**
2. Claims **1-230** are pending.

Specification

3. The abstract of the disclosure is objected to because too long. Correction is required.

See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

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do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-230 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Conrad et al. (USPN 6,028,605 – Date of Patent: February 22, 2000, herein referred to as “Conrad”).
5. As to claim 1, Conrad teaches the invention as claimed, including a method for repeatedly delivering data to a users computer having at least two databases with each database having a user computer database location, the method comprising the steps of: (a) providing a menu of available data to be delivered from an automated data delivery system that includes a selection list of available predetermined specifications for delivering data automatically wherein at least one of the predetermined specifications for delivering data allows the user to specify at least one of the user computer database locations for the data to be delivered (col.10, lines 13-16, and col.10, lines 25-27); (b) receiving a user's selection of data to be delivered from the automated data delivery system to the users computer based on the menu of available data (col.10, lines 25-35, and col.10, lines 48-50); (c) receiving a user's selection of at least one set of predetermined data delivery specifications (col.10, lines 25-35); and (d) outputting, automatically and repeatedly, the data identified by the user's selection

to the users computer based on the at least one set of predetermined data delivery specifications (col.10, lines 48-60).

6. As to claim 2, Conrad teaches the invention as claimed, further comprising the steps of: receiving, by the user's computer, the data identified by the user's selection (col.10, lines 48-53); and checking, automatically, at least one of the predetermined data delivery specifications with an automatic data reception and verification program each time data is delivered (col.10, lines 53-59).
7. As to claim 3, Conrad teaches the invention as claimed, wherein the automated data delivery system is remote from the users computer (col.10, lines 27-35).
8. As to claim 4, Conrad teaches the invention as claimed, wherein in the step of checking, automatically, at least one of the predetermined data delivery specifications with the automatic data reception and verification program, the automatic data reception and verification program is incorporated into a browser program (Fig.19 show that verification program enable to incorporate into a browser).
9. As to claim 5, Conrad teaches the invention as claimed, wherein at least one of the predetermined data delivery specifications checked by the automatic data reception and verification program is a password (Fig.19 also show the verification of is password).
10. As to claim 6, Conrad teaches the invention as claimed, wherein in the step of checking, automatically, at least one of the predetermined data delivery specifications with the automatic, data reception and verification program, the automatic data

reception and verification program is incorporated into an application program
(col.10, lines 30-35)

11. As to claim 7, Conrad teaches the invention as claimed, wherein step (a) is further defined as providing the menu of available data automatically to the users computer upon receipt of a user's selection of an automated data delivery program icon (Fig.20, TART SEARCH, show that automatic data delivery program icon).
12. As to claim 8, Conrad teaches the invention as claimed, wherein step (c) is further defined as providing a menu of predetermined data delivery specifications including at least two different data formats for delivering the data to the users computer and receiving the user's selection of at least one set of predetermined data delivery specifications including at least one of the data formats and wherein step (d) is defined further as outputting, automatically and repeatedly, the data identified by the user's selection in the data format included in the predetermined data delivery specifications (col.7, lines 2-12).
13. As to claim 10, Conrad teaches the invention as claimed, wherein step (d) is defined further as outputting, automatically and repeatedly, the data identified by the user's selection to a data base location on the users computer and identified by the at least one set of predetermined data delivery specifications (col.10, lines 45-60).
14. As to claim 12, Conrad teaches the invention as claimed, wherein step (d) is defined further as outputting, automatically and repeatedly, the data identified by the user's selection at specified times selected by the user and identified by the at least one set of predetermined data delivery specifications (col.5, lines 22-30).

15. As to claim 14, Conrad teaches the invention as claimed, wherein step (d) is defined further as outputting, automatically and repeatedly, the data identified by the user's selection via a communication protocol specified by the user and identified by the at least one set of predetermined data delivery specifications (col.4, lines 59-67).
16. As to claim 16, Conrad teaches the invention as claimed, wherein step (c) is further defined as providing a menu of predetermined data delivery specifications including at least two different data formats for delivering the data to the users computer and receiving the user's selection of at least one set of predetermined data delivery specifications including at least one of the data formats and wherein step (d) is defined further as outputting, automatically and repeatedly, the data identified by the user's selection in the data format included in the predetermined data delivery specifications (col.7, lines 2-12).
17. As to claim 18, Conrad teaches the invention as claimed, wherein step (d) is defined further as outputting, automatically and repeatedly, the data identified by the user's selection to a data base location on the users computer user and identified by the at least one set of predetermined data delivery specifications (col.10, lines 45-60).
18. As to claim 20, Conrad teaches the invention as claimed, wherein step (d) is defined further as outputting, automatically and repeatedly, the data identified by the user's selection to a data base location on the users computer user and identified by the at least one set of predetermined data delivery specifications (col.10, lines 45-60).
19. As to claim 22, Conrad teaches the invention as claimed, wherein step (d) is defined further as outputting, automatically and repeatedly, the data identified by the user's

selection to a data base location on the users computer user and identified by the at least one set of predetermined data delivery specifications (col.10, lines 45-60).

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

21. Claims 9, 11, 13, 15, 17, 18, 21, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conrad et al., (hereinafter Conrad) U.S. Patent No. 6,028,605 in view of Louis A.Ollivier., (hereinafter Ollivier) U.S. Patent No. 6,363,958.

22. As to claims 9, 11, 13, 15, 17, 18, 21, 23, Conrad teaches the invention as claimed, further comprising the steps of: receiving, by the user's computer, the data identified by the user's selection (col.10, lines 48-53); and checking, automatically, at least one of the predetermined data delivery specifications with an automatic data reception (col.10, lines 30-35). However, Conrad fails to explicitly teach verification program each time data is delivered. Ollivier teaches verification program each time data is delivered (col.9, lines 32-38). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teaching of Conrad with the teaching of Ollivier in order to check that data being input.

23. Claims 24-46, 47-69, 70-92, 93-115, 116-138, 139-161, 162-184, 185-207 and 208-230 have similar limitations as claims 1-23; therefore, they are rejected under the same rationale.

Response to Arguments

24. The abstract objection is requested to correct by examiner as indicated in the previous office action have not been corrected. Appropriate correction is required.
25. Applicant's arguments filed on June 08, 2004 have been fully considered, however they are not persuasive because of the following reasons:
26. Applicants argue that Conrad does not teach or suggest specifying a specific database location on the user's computer to deliver data. In response to Applicant's argument, the Patent Office maintain the rejection because Conrad teaches specifying a specific database location on the user's computer to deliver data as show in abstract, col.9, line 60 to col.10, lines 30. Clearly shows specific database location on user's computer to delivery data.
27. Applicants argue that Conrad does not teach or suggest a method of repeatedly delivering data to a user's computer. In response to Applicant's argument, the Patent Office maintain the rejection because Corad teaches a method of repeatedly delivering data to a user's computer as shown in col.10, lines 17-20. Clearly shows automatically or repeatedly send or deliver data to user.
28. Therefore, the Examiner asserts that cited prior arts teach or suggest the subject matter broadly recited in independent claims 1, 24, 47, 70, 93, 116, 139, 163, 185 and

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208. Claims 2-23, 25-46, 48-69, 71-92, 94-115, 117-138, 140-184, 186-207, and 209-230 are also rejected at least by the virtue of their dependency on independent claims and by other reasons set forth in the previous office action.

29. Accordingly, claims 1-230 are respectfully rejected.

Conclusion

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


31. Any inquiries concerning this communication or earlier communications from the examiner should be directed to **Tammy T. Nguyen** who may be reached via telephone at **(703) 305-7982**. The examiner can normally be reached Monday through Friday between 8:00 a.m. and 6:00 p.m. eastern standard time.

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If you need to send the Examiner, a facsimile transmission regarding this instant application, please send it to (703) 872-9306. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Bill Cuchlinski, may be reached at (703) 308-3873.

TTN

August 23, 2004


WILLIAM A. CUCHLINSKI, JR.
SUPERVISORY PATENT EXAMINER
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